

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	
Plaintiff,	
v.	Case No. 1:22-cr-00692-LGS
LAMOR WHITEHEAD,	NOTICE OF RECEIPT OF DISCOVERY FROM THE GOVERNMENT PURSUANT TO ORDER [5] & FRCrP 16
Defendant.	

Defendant LAMOR WHITEHEAD (“Defendant”) by and through his undersigned counsel hereby gives notice of receipt, on 12/31/2022, 5:47 PM ET, of the Government’s disclosures and discovery production pursuant to this Court’s Order [5] entered on 12/19/22 and FRCrP 16(a).

Defendant notes that the Court Order [5] entered on 12/31/2022, required the Government to disclosure information under *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972) stating, “The Government shall disclose such information to the defense *promptly* after its existence becomes known to the Government so that the defense may make effective use of the information in the preparation of its case.” [5] at p. 1 (emphasis added). Under Local Criminal Rule 12.4, “‘promptly’ shall mean ‘within fourteen (14) days,’” therefore, the Government was required to disclose to defense any *Brady* and *Giglio* information in its possession by 1/3/2023, since 1/2/2023 was a Court legal holiday. *See* Fed. R. Crim. P. 45(a)(1)(C). Therefore, the Government’s production of any *Brady* and *Giglio* information in its possession was timely. However, any *Brady* and *Giglio* information in the Government’s possession at the time of the Order [5] that has not been disclosed to the defense is now untimely and subject to sanctions. [5].

Defendant further notes that Defendant served Rule 16(a) discovery requests upon the Government on 12/23/2022. So, all of the Government’s Rule 16(a) disclosures are due 1/6/2023.

Defendant further notes the Government’s continuing duty to disclose under Rule 16(c).

Respectfully submitted,

Dated: New York, New York
January 3, 2023

s/ Brian L. Ponder
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UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA, Plaintiff, v. LAMOR WHITEHEAD, Defendant.	Case No. 1:22-cr-00692-LGS CERTIFICATE OF SERVICE
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I certify that a copy of the foregoing was served upon all parties via CM/ECF.

Respectfully submitted,

Dated: New York, New York
January 3, 2023

s/ Brian L. Ponder
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